

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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MAR 18 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

**Amendment of the Commission's Rules to Permit
Flexible Service Offerings In the Commercial
Mobile Radio Services**

**WT Docket No.
96-6**

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**RESPONSIVE COMMENTS
OF
AMERICA'S CARRIERS TELECOMMUNICATION ASSOCIATION
("ACTA")**

America's Carriers Telecommunication Association ("ACTA"), a national trade association of small to mid-sized interexchange resale carriers, with several facilities-based backbone network providers as members, submit brief reply comments in the captioned proceeding.

ACTA wishes the record in this proceeding to register its support for the concepts and positions asserted in the initial comments of some of the parties filed March 1, 1996.

ACTA supports authorizing Commercial Mobile Radio Service ("CMRS") providers to offer fixed wireless local loop service. This position was supported by Worldcom, Inc., d/b/a LDDS Worldcom ("Worldcom"), Frontier Corporation ("Frontier"), US WEST, Inc. ("US WEST"), and SBC Communications Inc. ("SBC") in their Initial Comments. The National Association of Regulatory Utility Commissioners ("NARUC") also appears to support the concept, but makes an additional point which ACTA believes has validity.

NARUC expresses concern that the proposal may have the undesirable effect of favoring one technology (wireless) over another (land line) (NARUC Initial Comments @ 4). Worldcom approaches the matter from a different perspective, but incorporates a similar theme. Worldcom

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argues that providers of fixed wireless local loop service be treated as local exchange carriers subject to section 251(b) of the Telecommunications Act of 1996 (Worldcom Initial Comments @ 7). ACTA is concerned that the efforts to introduce competition at the local level not be developed in a disjointed fashion based on the type of technology involved or irrespective of the real world environment of the marketplace as it exists today.

This means that the comments of Worldcom and NARUC have valid points which must be considered. Not to do so, endangers the proper development of competition. For example, an individual who recently sought to obtain cellular service from Bell Atlantic was told that his long distance service via cellular access must be provided by Bell Atlantic. Hence, the control of the wireless access facility is apparently being used to control the provider of long distance services as well.

The Commission cannot, therefore, consider its proposal to permit fixed services over a mobile services facility as isolated from the most fundamental competitive considerations such as equal access and dominant control of the access vehicle. ACTA submits that the Commission must view fixed wireless services as local exchange services for purposes of ensuring uniform and fair regulatory treatment, to preserve, to the fullest extent possible, competitive telecommunications services, and to avoid the unwitting recreation of pockets of bottleneck control of access for long distance services.

ACTA, therefore, opposes the positions that would have the Commission put in place policies that pay tribute to deregulation at the expense of actually fostering and preserving competition. For example, Frontier asserts (Initial Comments @ 4) that, due to its belief that

CMRS providers' fixed wireless local loop services will displace only a small number of traditional landline local loops, CMRS providers' fixed services should not be subjected to any greater regulatory oversight than the carriers' mobile services. (US WEST and SBC, not surprisingly, make similar points.) While understanding the logic behind this suggestion, without recognition of the anti-competitive results that may occur if such a suggestion is followed too far, the public interest and advancement of competition could be victimized.

Finally, ACTA supports the comments of Frontier, US WEST and SBC that all telecommunications service providers should contribute to universal service support. ACTA also believes that the comments of US WEST (Initial Comments @ 5) and SBC (Initial Comments @ 5) that such issues should be considered in a separate proceeding should be given appropriate study.

Respectfully submitted,

AMERICA'S CARRIERS
TELECOMMUNICATION ASSOCIATION

By: 

Charles H. Helein
General Counsel

Of Counsel:

Helein & Associates, P.C.
8180 Greensboro Drive, Suite 700
McLean, Virginia 22102
(703) 714-1300

Dated: March 18, 1996

CERTIFICATE OF SERVICE

I, Suzanne M. Helein, a secretary in the law offices of Helein & Associates, P.C., do hereby certify that I have caused a copy of the foregoing "Responsive Comments of America's Carriers Telecommunication Association," in WT Docket No. 96-6, to be served this 18th day of March 1996, via hand delivery, upon the following:

Reed E. Hundt
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

James H. Quello
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, D.C. 20554

Andrew C. Barrett
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, D.C. 20554

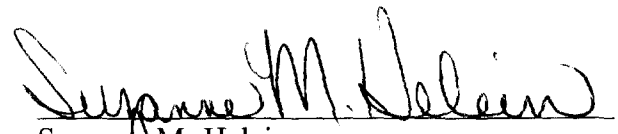
Rachelle B. Chong
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, D.C. 20554

Susan P. Ness
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

Michele Farquhar
Federal Communications Commission
Room 5002
2025 M Street, N.W.
Washington, D.C. 20554

Sandra K. Danner
Federal Communications Commission
Room 7002
2025 M Street, N.W.
Washington, D.C. 20554

International Transcription Services, Inc.
Suite 140
2100 M Street, N.W.
Washington, D.C. 20037



Suzanne M. Helein